

JOURNAL OF THE SENATE

EIGHTY-NINTH SESSION

TWENTY-EIGHTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, February 27, 2014

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Reverend J.P. Mosley, Jr., followed by the Pledge of Allegiance led by Senate page Chase Conrad.

Roll Call: All members present except Sens. Begalka, Tom Jones, Lucas, and Welke who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-seventh day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1097 which was tabled.

4 Respectfully submitted,
5 Shantel Krebs, Chair

6 Also MR. PRESIDENT:

7 The Committee on Appropriations respectfully reports that it has had under consideration
8 HB 1013 and returns the same with the recommendation that said bill do pass.

9 Respectfully submitted,
10 Deb Peters, Chair

11 Also MR. PRESIDENT:

12 The Committee on Judiciary respectfully reports that it has had under consideration the
13 nomination of Kevin J. Krull of Meade County, Sturgis, South Dakota, to the Board of Pardons
14 and Paroles and returns the same with the recommendation that the Senate advise and consent
15 to the confirmation of said appointment and that said appointment be placed on the consent
16 calendar.

17 Also MR. PRESIDENT:

18 The Committee on Judiciary respectfully reports that it has had under consideration the
19 nomination of Kenneth D. Albers of Lincoln County, Canton, South Dakota, to the Board of
20 Pardons and Paroles and returns the same with the recommendation that the Senate advise and
21 consent to the confirmation of said reappointment and that said reappointment be placed on the
22 consent calendar.

23 Also MR. PRESIDENT:

24 The Committee on Judiciary respectfully reports that it has had under consideration the
25 nomination of David R. Nelson of Minnehaha County, Sioux Falls, South Dakota, to the Board
26 of Pardons and Paroles and returns the same with the recommendation that the Senate advise
27 and consent to the confirmation of said reappointment and that said reappointment be placed
28 on the consent calendar.

1 Also MR. PRESIDENT:

2 The Committee on Judiciary respectfully reports that it has had under consideration the
3 nomination of Kay F. Nikolas of Roberts County, Sisseton, South Dakota, to the Board of
4 Pardons and Paroles and returns the same with the recommendation that the Senate advise and
5 consent to the confirmation of said reappointment and that said reappointment be placed on the
6 consent calendar.

7 Also MR. PRESIDENT:

8 The Committee on Judiciary respectfully reports that it has had under consideration
9 HB 1100 which was deferred to the 41st Legislative Day.

10 Respectfully submitted,
11 Craig Tieszen, Chair

12 Also MR. PRESIDENT:

13 The Committee on Commerce and Energy respectfully reports that it has had under
14 consideration HB 1106 and 1132 and returns the same with the recommendation that said bills
15 do pass.

16 Also MR. PRESIDENT:

17 The Committee on Commerce and Energy respectfully reports that it has had under
18 consideration HB 1154 and 1163 and returns the same with the recommendation that said bills
19 do pass and be placed on the consent calendar.

20 Also MR. PRESIDENT:

21 The Committee on Commerce and Energy respectfully reports that it has had under
22 consideration the nomination of Doyle D. Estes of Hill City, South Dakota, to the South Dakota
23 Lottery Commission and returns the same with the recommendation that the Senate advise and
24 consent to the confirmation of said reappointment and that it be placed on the Consent Calendar.

25 Respectfully submitted,
26 Ried S. Holien, Chair
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1 HCR 1027: A CONCURRENT RESOLUTION, Commending, honoring, and thanking
2 each of the current and former Congressmen and Congresswomen who have served South
3 Dakota.

4 Was read the first time and referred to the Committee on State Affairs.

5 HCR 1028: A CONCURRENT RESOLUTION, Urging Congress to repeal and defund
6 Obamacare.

7 Was read the first time and referred to the Committee on Health and Human Services.

8 HCR 1029: A CONCURRENT RESOLUTION, Honoring World Champion Saddle Bronc
9 Champion Chad Ferley of Oelrichs, South Dakota.

10 Was read the first time and referred to the Committee on Agriculture and Natural
11 Resources.

12 HCR 1030: A CONCURRENT RESOLUTION, Honoring National Finals Rodeo Barrel
13 Racing Champion Lisa Lockhart of Oelrichs, South Dakota.

14 Was read the first time and referred to the Committee on Agriculture and Natural
15 Resources.

16 HCR 1031: A CONCURRENT RESOLUTION, Urging Congress to provide federal
17 funding in lieu of property taxes on Indian trust lands.

18 Was read the first time and referred to the Committee on Taxation.

19 HCR 1032: A CONCURRENT RESOLUTION, Expressing support for the people of the
20 Red Shirt community on the Pine Ridge Reservation.

21 Was read the first time and referred to the Committee on Education.

22 The following resolution was read on February 25, and today the President Pro tempore
23 assigned this resolution to committee.

24 SCR 6 was referred to the Committee on State Affairs.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 The following bills were read on February 26, and today the President Pro tempore
3 assigned these bills to committee.

4 HB 1203 was referred to the Committee on State Affairs.

5 HB 1208 was referred to the Committee on Agriculture and Natural Resources.

6 **CONSIDERATION OF REPORTS OF COMMITTEES**

7 Sen. Rave moved that the reports of the Standing Committees on
8 Local Government on HB 1087 as found on page 476 of the Senate Journal; also
9 Transportation on HB 1120 as found on page 477 of the Senate Journal be adopted.
10 Which motion prevailed.

11 **SECOND READING OF CONSENT CALENDAR ITEMS**

12 HB 1091: FOR AN ACT ENTITLED, An Act to allow municipalities and counties to
13 adopt a property maintenance code.

14 Was read the second time.

15 The question being "Shall HB 1091 pass as amended?"

16 And the roll being called:

17 Yeas 30, Nays 0, Excused 5, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
20 (Jean); Jones (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl;
21 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen;
22 Van Gerpen; Vehle; White

23 Excused:

24 Begalka; Jensen; Jones (Tom); Lucas; Welke

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 HB 1151: FOR AN ACT ENTITLED, An Act to revise certain deadlines and offices
4 regarding budgetary planning for municipalities.

5 Was read the second time.

6 The question being "Shall HB 1151 pass?"

7 And the roll being called:

8 Yeas 30, Nays 0, Excused 5, Absent 0

9 Yeas:

10 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
11 (Jean); Jones (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl;
12 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen;
13 Van Gerpen; Vehle; White

14 Excused:

15 Begalka; Jensen; Jones (Tom); Lucas; Welke

16 So the bill having received an affirmative vote of a majority of the members-elect, the
17 President declared the bill passed and the title was agreed to.

18 HB 1043: FOR AN ACT ENTITLED, An Act to revise and repeal certain provisions
19 regarding the regulation of aeronautics.

20 Was read the second time.

21 The question being "Shall HB 1043 pass as amended?"

22 And the roll being called:

23 Yeas 30, Nays 0, Excused 5, Absent 0

24 Yeas:

25 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
26 (Jean); Jones (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl;
27 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen;
28 Van Gerpen; Vehle; White

1 Excused:
2 Begalka; Jensen; Jones (Tom); Lucas; Welke

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 President declared the bill passed and the title was agreed to.

5 HB 1200: FOR AN ACT ENTITLED, An Act to revise certain bank franchise tax
6 provisions regarding net income and net operating losses.

7 Was read the second time.

8 The question being "Shall HB 1200 pass as amended?"

9 And the roll being called:

10 Yeas 30, Nays 0, Excused 5, Absent 0

11 Yeas:
12 Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
13 (Jean); Jones (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl;
14 Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen;
15 Van Gerpen; Vehle; White

16 Excused:
17 Begalka; Jensen; Jones (Tom); Lucas; Welke

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

21 Sen. Rave moved that HB 1185, 1045, 1058, 1110, 1069, 1019, 1081, 1033, 1050, 1099,
22 1036, 1054, 1077, 1119, 1030, 1126, 1167, 1104, 1148, 1168, 1192, 1159, 1180, 1123, and
23 1201 and HJR 1001 be deferred to Monday, March 3, the 29th legislative day.

24 Which motion prevailed.

25 **SIGNING OF BILLS**

26 The President publicly read the title to

27 SB 12: FOR AN ACT ENTITLED, An Act to update references to certain federal motor
28 carrier regulations.

1 SB 14: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
2 Board of Examiners of Counselors and Marriage and Family Therapists.

3 SB 29: FOR AN ACT ENTITLED, An Act to revise certain provisions in statute and
4 administrative rules regarding the regulation of campgrounds and the license fee for
5 campgrounds and to repeal administrative rules regulating primitive campgrounds, full-service
6 campgrounds, limited service campgrounds, and temporary campgrounds.

7 SB 54: FOR AN ACT ENTITLED, An Act to revise the definition of a boat dealer, used
8 vehicle dealer, and dealer of mobile homes or manufactured homes, and to revise certain
9 penalties for selling motor vehicles, snowmobiles, mobile homes, manufactured homes, or boats
10 without a license.

11 SB 55: FOR AN ACT ENTITLED, An Act to repeal the contractor's excise tax on certain
12 new or expanded power production facilities.

13 SB 59: FOR AN ACT ENTITLED, An Act to increase the penalty for the trafficking of
14 vehicle license plates and decals, to prohibit and provide a penalty for the unauthorized transfer
15 of a vehicle license plate or decal, and to impose a penalty for altering or forging certain vehicle
16 registration cards.

17 SB 64: FOR AN ACT ENTITLED, An Act to require a waiting period prior to the adoption
18 of new uniform content standards and to provide for an opportunity for public comment for all
19 new content standards.

20 SB 89: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
21 provisions regarding the medical department of the National Guard.

22 SB 91: FOR AN ACT ENTITLED, An Act to revise certain licensure definitions and
23 provide certain regulatory powers to municipalities.

24 SB 93: FOR AN ACT ENTITLED, An Act to define liquid natural gas, to revise certain
25 provisions regarding the collection of the motor fuel tax, and to apply motor fuel tax to all fuels
26 used to propel a motor vehicle.

27 SB 100: FOR AN ACT ENTITLED, An Act to provide for the filling of a vacancy if no
28 person is elected to succeed an elected official in municipalities.

29 HB 1042: FOR AN ACT ENTITLED, An Act to revise the penalty for late payment of the
30 additional original registration tax on aircraft.

31 HB 1051: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
32 regulation of captive insurance companies.

33 HB 1090: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
34 provisions regarding county highways.

4 And signed the same in the presence of the Senate.

7 Jeannette Schipper, Secretary

